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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. 4-13-70494-MAG
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER TO CONTINUE PRELIMINARY
v.	)	HEARING AND EXCLUDE TIME
	)	UNDER THE SPEEDY TRIAL ACT AND
	)	RULE 5.1
AHUIZOTL MENDOZA-BAHENA,	)	
	)	
	)	
Defendant.	)	
	)	

An arraignment or preliminary hearing is currently scheduled in the case on July 17, 2013, at 9:30 a.m. With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of July 30, 2013 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from July 17, 2013 to July 30, 2013. The

Stip. Req. to Continue Preliminary Hearing and  
Exclude Time, No. 4-13-70494-MAG

1 government recently turned over additional discovery and the parties are meeting and conferring  
2 regarding resolving the case pursuant to a plea agreement. Therefore, the parties agree, and the  
3 Court finds and holds, as follows:

4 1. The defendant is in custody.

5 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.  
6 § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into  
7 account the exercise of due diligence.

8 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for  
9 preliminary hearing.

10 4. Counsel for the defense believes that postponing the preliminary hearing is in his  
11 client's best interest, and that it is not in his client's interest for the United States to indict the  
12 case during the normal 21-day timeline established in Rule 5.1.

13 5. The Court finds that, taking into the account the public interest in the prompt  
14 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
15 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
16 the Court finds that the ends of justice served by excluding the period from July 17, 2013 to July  
17 30, 2013, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C.  
18 § 3161(h)(8)(A).

19 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
20 hearing date before the duty magistrate judge on July 30, 2013, at 9:30 a.m., and (2) orders that  
21 the period from July 17, 2013 to July 30, 2013, be excluded from the time period for preliminary  
22 hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations

23 ///

24 ///

25 ///

26 ///

1 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

2  
3 IT IS SO STIPULATED:

4  
5 DATED: July 15, 2013

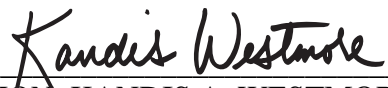
\_\_\_\_\_  
/S/  
AARON D. WEGNER  
Assistant United States Attorney

6  
7  
8 DATED: July 15, 2013

\_\_\_\_\_  
/S/  
JOHN PAUL REICHMUTH  
Counsel for defendant

9  
10 IT IS SO ORDERED.

11 July 15, 2013

  
\_\_\_\_\_  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge